



CITY OF AKRON, OHIO
POLICE DIVISION
AUGUSTUS A. HALL, CHIEF OF POLICE

NUMBER P-2010-004	EFFECTIVE DATE August 9, 2010	RESCINDS P-2008-004 Issued 11-24-08
SUBJECT Summons and Release Procedure		ISSUING AUTHORITY Chief Augustus A. Hall

I. POLICY

Ohio law provides that in a misdemeanor violation of the first through fourth degree where a law enforcement officer is authorized to make an arrest without a warrant, the officer may issue a summons in lieu of making an arrest. Issuing a summons to a nonviolent, misdemeanor offender is a useful tool and officers should issue a summons in lieu of arrest whenever appropriate.

II. PROCEDURE

A. MINOR MISDEAMEANOR OFFENSE - Ohio law provides that an officer **must** issue a summons and **not** arrest the offender for a minor misdemeanor offense. An officer may arrest the offender for a minor misdemeanor offense if one or more of the following apply:¹

1. The offender requires medical care or is unable to provide for his own safety.
2. The offender cannot or will not offer satisfactory evidence of his identity.
3. The offender refuses to sign the Arrest/Summons form.
4. The offender has a contempt warrant for failure to pay fines and court costs over the minimum amount determined by the courts.²

B. CRITERIA FOR DECIDING WHETHER TO ISSUE A SUMMONS

1. In general, the following should be considered when making the decision to issue a summons:
 - a. Continuation of the offense or criminal conduct.
 - b. Understanding of the obligation to appear in court.
 - c. Ties with the community.
 - d. If the subject cannot produce positive identification.

- e. If the charge is for domestic violence, an arrest is the preferred course of action. A summons in lieu of arrest must be approved by a supervisor. However, those summonsed for domestic violence are not eligible for Family Violence Court.
2. Outstanding warrants – Arrests will be made based on current Summit County Jail policies.

C. FINGERPRINTING

1. Officers issuing a summons for an offense other than a minor misdemeanor should require the subject to provide a left index fingerprint on the rear of the court's copy of the Arrest/Summons form in the space provided. If for any reason the left index finger cannot be used, an alternate fingerprint shall be taken and the information indicated on the form. Persons refusing to submit to the print shall be arrested in lieu of the summons.
2. Officers may request a fingerprint for a minor misdemeanor however, failure to provide a fingerprint shall not subject the suspect to arrest for failure to comply.

D. PHOTOGRAPHING AND FULL FINGERPRINTING

1. When required by division order, special order, or if the officer is of the opinion that the offender should be photographed or a full set of fingerprints be taken, but otherwise qualifies for a summons, he shall be brought to the Crime Scene Unit for processing.
2. This does not apply to minor misdemeanors.

E. SCHEDULING COURT APPEARANCES

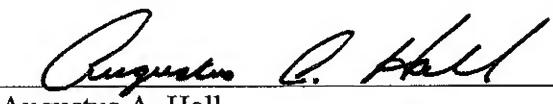
1. Court dates will be set within seven calendar days from the date of issuance as determined by the Clerk of Courts schedule. However, a misdemeanor domestic violence summons will be set for the next available court date.
2. Defendants who wish an appearance date other than that set by the officer shall be advised to contact the Clerk's Office. Officers do not have the authority to schedule dates beyond the seven calendar day limit.

F. SIGNING CRIMINAL COMPLAINTS

1. It will be the arresting officer's responsibility to ensure that the Arrest/Summons form is turned into the Clerk's Office no later than the end of an officer's tour of duty, secondary police employment or extra duty assignment. Required criminal complaints will also be signed at that time.

2. Prosecuting witnesses, other than officers, shall be advised to sign the complaint immediately. If the prosecuting witness is an agent or employee of a business, he shall be advised to sign the complaint by the end of that business day.

By Order Of,



Augustus A. Hall
Chief of Police

Date 7-26-10

¹ Ohio Revised Code Section 2935.26

² Akron Municipal Court Memorandum dated December 5, 1996 states "that on the first warrant issued for nonpayment of fines and court costs for less than \$200.00, a summons shall be issued in lieu of arrest."